

DAVID P. MASTAGNI, ESQ. (SBN 57721)
 DAVID E. MASTAGNI, ESQ. (SBN 204244)
 WILL M. YAMADA, ESQ. (SBN 226669)
 JAMES R. TRABER, ESQ. (SBN 248439)
**MASTAGNI, HOLSTEDT, AMICK,
 MILLER, JOHNSEN & UHRHAMMER**
A Professional Corporation
 1912 "I" Street
 Sacramento, California 95811
 Telephone: (916) 446-4692
 Facsimile: (916) 447-4614

Attorneys for Plaintiffs

DANA McRAE, State Bar No. 142231
 County Counsel, County of Santa Cruz
 JASON M. HEATH, State Bar No. 180501
 Assistant County Counsel
 BETSY L. ALLEN, State Bar No. 146386
 Assistant County Counsel
 701 Ocean Street, Room 505
 Santa Cruz, California 95060
 Telephone: (831) 454-2040
 Fax: (831) 454-2115

Attorneys for Defendant County of Santa Cruz

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES BATES et al. acting for themselves)
 and others similarly situated,)
)
 Plaintiffs,)
)
 v.)
)
)
 COUNTY OF SANTA CRUZ,)
)
 Defendant.)
 _____)

Case No.: 5:08-cv-00557-JW

**STIPULATION AND [Proposed]
 ORDER MODIFYING SCHEDULING
 ORDER**

WHEREAS, on January 25, 2008 plaintiff James Bates filed this lawsuit in the Northern District of California. The lawsuit has been pled as a collective-action, and as of the date below,

approximately seventy-six (76) additional individuals have filed consents to be included as plaintiffs.

WHEREAS, on May 30, 2008 the parties jointly submitted a case management conference statement requesting that the cutoff for expert designations be October 1, 2009; discovery cutoff be December 1, 2009; the last day for hearing dispositive motions be January 31, 2010; the pretrial conference be March 31, 2010; and suggesting the Trial should commence May 31, 2010.

WHEREAS, on June 5, 2008 the Court entered a scheduling Order setting forth the following deadlines:

Close of All Discovery	December 1, 2008
Last Date for Hearing Dispositive Motions	February 2, 2009
Preliminary Pretrial Conference	October 27, 2008
Preliminary Pretrial Conference Statements	October 17, 2008

The Court further Ordered expert disclosures sixty-three days before the close of discovery (September 9, 2008); and Ordered Rebuttal Expert Witness Disclosures no later than 49 days prior to the discovery cutoff (October 13, 2008).

WHEREAS, plaintiffs intend to file a motion requesting facilitated notice to similarly situated employees pursuant to *Hoffman-Laroche Inc. v. Sperling*, 493 U.S. 165 (1989). If granted, there may be additional individuals who file consents to be included as individual plaintiffs. The potentially similarly situated individuals are customarily given a reasonable period of time within which to file a consent to be included as an individual plaintiff. The addition of these individuals may increase the amount of damages plaintiffs are owed, if any, and affect the scope of discovery.

WHEREAS, the parties are not currently in agreement with respect to the permissible scope of individualized discovery in this case, and may require judicial guidance in this regard. If individualized discovery is required or permitted, the parties agree there may be substantial difficulties in complying with the current discovery cutoff.

WHEREAS, according to the Court's website, the Court is unavailable to hear civil motions from July 8, 2008 until August 22, 2008, and the next available date for Civil Motion Hearings is October 22, 2008. Thus, under the current scheduling order, the parties' expert disclosures,

